

## Environmental Protection Agency Internet Information

### EPA Region 2

While Freedom of Information Act (FOIA) requests will be honored by directly writing to Region 2, EPA provides an increasing amount of environmental media information, and other Regional activities via Internet at <http://www.epa.gov>.

Region 2 has provided a FOIA Web site <http://www.epa.gov/region02/foia/> with several online databases from which the environmental information can be retrieved.

- **"Frequently FOIAed Files"** Web site <http://www.epa.gov/region02/foia/fff.htm> covers RCRA and many other media Programs. Through this Web site, you can learn about each media Program, associated databases, and special points of interest. In particular, the ability to "directly download" all of the most commonly requested Region 2 Export Files (.xls) and Reports (.pdf) - all compressed for quicker downloading.

EPA Region 2 has established a **list of contaminated facilities** that are a high priority for cleanup in New York, New Jersey, Puerto Rico and the U.S. Virgin Islands. You can view each facility fact sheet at <http://www.epa.gov/region02/cleanup/sites/>

### EPA- Headquarters

- **Envirofacts Data Warehouse** Web site <http://www.epa.gov/enviro/index.html> is a one-stop source to the environmental information. This Web site provides access to several EPA databases with information about environmental activities that may affect air, water and land anywhere in the United States.
- **"My Environment"** Web site <http://www.epa.gov/myenvironment> is a powerful tool that provides a wide range of federal, state and local information about environmental conditions and futures in an area of your choice.
- **The Enforcement and Compliance History Online (ECHO)** Web site <http://www.epa.gov/echo/> provides a list of all inspections and enforcement under most of the environmental statutes.
- **Right-To-Know Network (RTK Net)**, a non-EPA Web site <http://www.rtknet.org/> on-line query engine provides free access to numerous databases and resources on environment.
- **National Biennial RCRA Hazardous Waste Report** Web site <http://www.epa.gov/epaoswer/hazwaste/data/biennialreport/index.htm> provides documents and data on hazardous waste reports.
- **Conditionally Exempt Small Quantity Generators** Web site <http://www.epa.gov/osw/hazard/generation/cesqg.htm> provides information on Conditionally Exempt Small Quantity Generators.

FOIA Request # EPA-R2-2014-003101

For your information, we are enclosing two RCRA files for a handler called Rutgers University-Newark Campus at 360 Martin Luther King in Newark, NJ, and EPA ID No. NJD103803417, and Rutgers Health Sciences Campus at Newark at 185 South Orange Avenue in Newark, NJ, and EPA ID No. NJD047700711.

We did not find an EPA ID No. listed for the address at 65 Bergen Street in Newark, NJ in our RCRA database, and the name for Stanley South Bergen Building and the owner/operator: Rutgers, The State University of New Jersey. However, from reviewing the RCRA file for Rutgers Health Sciences Campus at Newark at 185 South Orange Avenue in Newark, New Jersey, it looks like 65 Bergen Street in Newark, NJ is the same facility location for the address at 185 South Orange Avenue in Newark, NJ.

Also, we do not have any air information for Rutgers Health Sciences Campus at Newark at 185 South Orange Avenue in Newark, NJ.

NJD 047700711

AUG 09 2007

AUG 09 2007

Brendan McCluskey, JD, MPA  
Executive Director  
University of Medicine and Dentistry of New Jersey  
65 Bergen Street, Suite 1441  
Newark, NJ 07101-1709

Re: University of Medicine and Dentistry of New Jersey, Docket # RCRA-02-2003-7109

Dear Mr. McCluskey:

A Consent Agreement and Final Order (CAFO) was signed by the University of Medicine and Dentistry of New Jersey (UMDNJ) and the United States Environmental Protection Agency (EPA) on March 31, 2005. The CAFO required UMDNJ to conduct Supplemental Environmental Projects (SEPs) and pay a monetary penalty. The SEP portion of the Agreement required UMDNJ to spend at least \$150,000 on SEP-specific activities.

In accordance with Paragraph 8 of the Consent Agreement, UMDNJ submitted a draft final SEP Report to EPA for approval and comment. Based on the revised final report and Certification submitted electronically on July 13, 2007, EPA has concluded that the SEP Report has been satisfactorily completed in accordance with the Consent Agreement. EPA approves all SEP expenditures and hereby provides written confirmation of the approval of the final SEP Report to the Defendant.

EPA is pleased that this matter has been resolved, and we are confident that this pleasure is shared by all concerned. If you have any questions regarding this matter, please contact me at (212) 637-3544.

Sincerely yours,

Meghan La Reau  
Enforcement Officer  
US EPA RCRA Compliance Branch

cc: Renee F. Lyons  
Director, EOHSS

bcc: Meghan La Reau  
RCRA file



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

Generator  
COPY

Certified Mail-Return Receipt Requested

April 4, 2005

NJD 047 700711

Rhonda Farber, Esq.  
State of New Jersey  
Office of Attorney General  
Department of Law and Public Safety  
Division of Law  
PO Box 45029  
Newark, New Jersey 07101

Re: In the Matter of University of Medicine and Dentistry of New Jersey  
Docket No.: RCRA-02-2003-7109

Dear Ms. Farber:

Enclosed is a copy of the fully executed Consent Agreement and Final Order ("CA/FO") resolving the above referenced action. Thank you for your cooperation in this matter.

Sincerely,

Amy R. Chester  
Assistant Regional Counsel  
212 637-3213

Enclosure

cc w/ enc. Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

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In The Matter of:

:  
: **CONSENT AGREEMENT AND FINAL ORDER**  
:

University of Medicine and Dentistry :  
of New Jersey :  
65 Bergen Street :  
Newark, New Jersey 07101 :

Docket No.: RCRA-02-2003-7109

Respondent.  
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**PRELIMINARY STATEMENT**

This civil administrative proceeding was instituted pursuant to Sections 3008 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, and the Hazardous and Solid Waste Amendments of 1984 ("HSWA"), 42 United States Code (U.S.C.) §§ 6901-6991 (together hereafter the "Act" or "RCRA").

The Complainant in this proceeding, Dore LaPosta, the Director of the Division of Enforcement and Compliance Assistance, Region 2 EPA, has been duly delegated the authority to institute and carry forward this proceeding.

The Respondent is the University of Medicine and Dentistry of New Jersey ("UMDNJ" or "Respondent"). The UMDNJ facility is located at or near 65 Bergen Street, Newark, New Jersey 07101.

Pursuant to Section 3006(b) of the Act, 42 U.S.C. § 6926(b), the State of New Jersey was

authorized by EPA to conduct a hazardous waste program ("authorized State Program"). 64 Fed. Reg. 41823 (Aug. 2, 1999). There were later changes in the scope of the authorized State Program as a result of EPA's authorization of New Jersey's regulations incorporating by reference changes to the federal program promulgated by EPA between July 2, 1993 and July 31, 1998. 67 Fed. Reg. 76995 (Dec. 16, 2002). These changes became effective February 14, 2003. Prior to February 14, 2003, the authorized State Program incorporated by reference, with some modifications, the regulations in the federal program at 40 Code of Federal Regulations (C.F.R.) Parts 124, 260-266, 268 and 270 as set forth in the 1993 edition. As of February 14, 2003, the authorized State Program, with some modifications, essentially incorporates by reference the regulations in the 1998 edition of the same Parts of Title 40 of the C.F.R.. New Jersey's authorized regulations comprising the original State Program, authorized in 1999, can be found in the New Jersey Register. See 28 N.J.R. 4606 (Oct. 21, 1996). The New Jersey regulations authorized in 2003 can be found at 31 N.J.R. 166 (Jan. 19, 1999). New Jersey is not authorized for any HSWA regulations adopted by EPA after July 31, 1998. EPA is authorized to enforce the provisions of the authorized State Program. Consequently, EPA has retained its authority to enforce the New Jersey regulations comprising the authorized State Program. EPA retains primary responsibility for requirements promulgated pursuant to HSWA since July 31, 1998.

New Jersey's authorized hazardous waste program incorporates by reference, with some minor modifications, the federal program set forth in 40 C.F.R. Parts 124, 260-266, 268 and 270. (Citations to the authorized State Program below will cite the applicable regulation of the federal program incorporated by reference, followed by the New Jersey regulation which incorporated said federal regulation by reference. All federal regulatory references are to the 1993 edition of

the C.F.R. unless otherwise noted.)

The Complainant issued a Complaint, Compliance Order and Notice of Opportunity for Hearing (the "Complaint") to UMDNJ on or about June 26, 2003. The Complaint alleged that UMDNJ violated specific provisions of RCRA and the New Jersey and/or federal regulations concerning the management of hazardous waste. Complainant and UMDNJ conducted settlement negotiations which led to this agreement.

Complainant and UMDNJ agree, by entering into this Consent Agreement and Final Order ("CA/FO"), that settlement of this matter upon the terms set forth in this CA/FO is an appropriate means of resolving this case without further litigation.

#### **EPA'S FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. UMDNJ is and has been a "person," as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 40 C.F.R. § 260.10 (1993), as incorporated by reference by the New Jersey Administrative Code ("NJAC") 7:26G-4.1(a).
2. The UMDNJ Newark Campus is a "facility" as that term is defined in 40 C.F.R. § 260.10 (1993), as incorporated by reference by NJAC 7:26G-4.1(a).
3. UMDNJ is and has been the "owner" of the facility as that term is defined in 40 C.F.R. § 260.10 (1993), as incorporated by reference by NJAC 7:26G-4.1(a).
4. UMDNJ is and has been the "operator" of the facility as that term is defined in 40 C.F.R. § 260.10 (1993), as incorporated by reference by NJAC 7:26G-4.1(a).
5. In or about September 1980, UMDNJ notified EPA that it generates listed and characteristic hazardous wastes at its facility.
6. EPA issued UMDNJ EPA Identification Number NJD047700711 for its facility in or

about November, 1980.

7. UMDNJ is and has been a "hazardous waste" "generator" at its facility as those terms are defined in 40 C.F.R. § 260.10 (1993), as incorporated by reference by NJAC 7:26G-4.1(a).
8. UMDNJ stored hazardous waste at its facility for a finite period, at the end of which the hazardous waste was treated, disposed of or stored elsewhere.
9. As of at least March 2002, UMDNJ had not determined if certain materials generated at its facility constituted a hazardous waste.
10. UMDNJ's failure to determine if each solid waste generated at its facility constituted a hazardous waste is a violation of 40 C.F.R. § 262.11(1993), as incorporated by reference by NJAC 7:26G-6.1(a).
11. During the period of at least March 4-11, 2002, UMDNJ failed to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water which could threaten human health or the environment through numerous actions or inactions including but not limited to:
  - a. Leaving open, corroded, unidentified and/or expired chemical containers in numerous locations including in MSB Rooms C519, H571 and G632. Some open and corroded containers stored corrosive, flammable and potentially reactive (explosive) materials. Additionally, some of the containers contained crystal formations within, or reaction residues on the outside of, the containers.
  - b. Storage of incompatible wastes and materials without any physical separations such as



berms, walls or other devices in numerous locations including in MSB Rooms C519, F626 and H604.

c. Storage of chemicals and wastes, some precariously stacked, others in corroding containers, under the primary laboratory hood in MSB Room 519.

d. Failing to label hazardous waste containers with the words "hazardous waste" or otherwise indicating their content in numerous locations including in MSB Rooms H515/517 and H571 and Levels C and D of the Dental Clinics, thereby enhancing the possibility of mismanagement and improper disposal of such waste.

e. Failing to seal or otherwise secure the lid of a fifty-five (55) gallon drum storing radioisotope contaminated solvent (mixed waste) in the MSB Low Level Radioactive Waste Room.

12. UMDNJ's failure to maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water which could threaten human health or the environment, constitutes a violation of 40 C.F.R. § 265.31 (1993), as incorporated by reference by NJAC 7:26G-9.1(a).

13. As of at least March 2002, not all facility personnel responsible for hazardous waste management had completed training to perform their duties in a way that ensured the facility's compliance with hazardous waste management regulations and the implementation of emergency procedures within six months of their employment. Additionally, not all facility personnel responsible for hazardous waste management had taken part in annual training reviews.

14. UMDNJ's failure to ensure that all of its facility personnel responsible for hazardous waste management had received training within six months of employment and/or annual reviews to perform their duties in a way that ensured the facility's compliance with hazardous waste management regulations and implementation of emergency procedures constitutes a violation of 40 C.F.R. § 265.16 (1993), as incorporated by reference by NJAC 7:26G-9.1(a).
15. During at least March 4-11, 2002, UMDNJ stored hazardous waste in open containers during periods when waste was neither being added to nor removed from those containers. This occurred in at least the following locations: MSB Rooms I624, I645/643, I685, H515/517, C519, and Dental School Room C742.
16. UMDNJ's failure to keep all containers holding hazardous waste closed except when necessary to add or remove waste constitutes a violation of 40 C.F.R. § 265.173(a) (1993), as incorporated by reference by NJAC 7:26G-9.1(a).
17. As of at least March 2002, UMDNJ used "Varn International Duplicator Wash" and cardboard sheets to clean residue inks from plate presses in Print Shop Room A123. After use, UMDNJ disposed of or discarded the cardboard sheets in the trash.
18. The material identified in paragraph 17 was a "hazardous waste" ( F002) as defined in 40 C.F.R. § 261.3(a) (1993), as incorporated by reference by NJAC 7:26G-5.1(a).
19. As of at least March 2002, UMDNJ discarded or disposed of suction trap dental amalgam in the trash at least twice a year.
20. The dental amalgam identified in paragraph 19 was a "hazardous waste" (D009), as defined in 40 C.F.R. § 261.24 (1993), as incorporated by reference by NJAC 7:26G-

5.1(a).

21. As of at least March 2002, UMDNJ offered the hazardous waste identified in paragraphs 17 and 19 to a treatment, storage or disposal facility without an EPA hazardous waste identification number.
22. UMDNJ's offering hazardous waste to a treatment, storage, or disposal facility without an EPA hazardous waste identification number constitutes violations of 40 C.F.R. § 262.12(c) (1993), as incorporated by reference by NJAC 7:26G-6.1(a).

### **CONSENT AGREEMENT**

Based on the foregoing, and pursuant to Sections 3008 of RCRA and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and Revocation or Suspension of Permits, 40 C.F.R. § 22.18, it is hereby agreed by and between the parties and UMDNJ knowingly and voluntarily agrees as follows:

1. Within fifty days of the effective date of this CA/FO, UMDNJ shall:
  - a. make hazardous waste determinations regarding all solid waste generated at its facility pursuant to 40 C.F.R. § 262.11, as incorporated by NJAC 7:26G-6.1(a);
  - b. send hazardous waste off-site to treatment, storage or disposal facilities with EPA (or equivalent State issued) identification numbers pursuant to 40 C.F.R. § 262.12(c), as incorporated by NJAC 7:26G-6.1(a);
  - c. comply with all applicable container standards set forth in Subpart I of 40 C.F.R. Part 265, as incorporated by reference in NJAC 7:26G-9.1(a), including keeping hazardous waste containers closed except when necessary to add or remove waste;
  - d. ensure that all personnel responsible for hazardous waste management receive

applicable training to maintain proper hazardous waste management and emergency procedures; and

e. minimize the risk of fires, explosions or unplanned releases of hazardous waste and constituents pursuant to 40 C.F.R. 265.16(a), as incorporated by reference by NJAC 7:26G-9.1(a), through actions such as, but not limited to:

- i. ensuring that chemicals and other hazardous materials are stored in a manner designed and operated to minimize the possibility of a fire, explosion, and/or release, including minimizing the potential for incompatible substances to come in physical contact with each other, particularly during fires and spills;
- ii. ensuring that stored chemicals and other hazardous materials do not routinely spill, leak, or otherwise breach their containers and that all such spillage or leakage, if determined to be hazardous, is cleaned up and managed as hazardous waste; and
- iii. ensuring that unidentified, obsolete, off-specification, and otherwise unusable chemicals are properly managed and disposed of in a timely manner consistent with all hazardous waste management requirements.

2. UMDNJ shall perform a Supplemental Environmental Project ("SEP") at its campus in Newark, New Jersey. This SEP shall consist of four components. These are: 1) mercury and silver source reduction; 2) solvent recovery; 3) chemical inventory, removal and retention; and 4) a RCRA compliance audit conducted by an external third party. All four components of the SEP shall be performed pursuant to the terms and schedules set forth below. Additionally, UMDNJ shall submit a draft final report regarding all four

SEP components to EPA for comment and approval. UMDNJ shall keep both the pollution reduction measures outlined in components 1 through 3 and any procedures implemented as a result of the audit, in place for a minimum of six years from the effective date of this CA/FO.

3. The mercury and silver source reduction component shall be initiated immediately in all medical and dental areas of UMDNJ's Newark campus. Within twelve months from the effective date of this CA/FO UMDNJ shall: 1) identify and inventory all mercury and silver products; 2) identify all mercury and silver waste streams; 3) identify any substitute products for mercury/silver products presently being used; 4) identify any means or processes to reduce mercury/silver waste streams; 5) develop and initiate a program to substitute mercury/silver products and reduce mercury/silver waste streams; and 6) submit a status report to EPA detailing UMDNJ's progress including implementation and completion dates. Within twenty-four months of the effective date of this CA/FO, UMDNJ shall submit a draft final report to EPA for comment and approval. The report shall at a minimum include: 1) the mercury/silver products and waste streams identified; 2) the substitute products identified; 3) methods identified to reduce waste streams; 4) the adoption of substitute products and/ or the implementation of new processes to reduce waste streams; 5) the total cost of reducing mercury and silver sources including amounts saved by reduction in waste streams; and 6) the amount of pollution already reduced and projected to be reduced.
4. The solvent recovery component shall be initiated immediately in all medical and dental areas of UMDNJ's Newark campus. Within twelve months from the effective date of this

CA/FO UMDNJ shall: 1) purchase any necessary equipment to recover solvents on site; 2) inventory all recoverable solvents; 3) develop a procedure to properly store and accumulate any solvents on site prior to recovery; 4) initiate on-site recovery of clinical pathology and other solvents; and 5) submit a status report to EPA detailing UMDNJ's progress including implementation and completion dates. Within twenty-four months of the effective date of this CA/FO, UMDNJ shall submit a draft final report to EPA for comment and approval. The draft report shall at a minimum include: 1) the inventory of all solvents subject to onsite recovery; 2) the procedures used to accumulate and store solvents prior to recovery; 3) identification and costs of any equipment purchased; 4) the procedures used to recover solvents; 5) the quantity and types of solvents recovered; 6) the cost of solvent recovery, including costs saved by the facility by implementing the onsite recovery system; and 7) the amount of pollution already reduced and projected to be reduced.

5. The chemical inventory, removal and retention component shall be initiated immediately in all medical, dental and industrial areas of UMDNJ's Newark campus. Within twelve months from the effective date of this CA/FO UMDNJ shall: 1) identify all chemicals in the medical, dental and industrial areas of the facility; 2) identify any less hazardous substitutions; 3) implement a system to inventory all chemicals in or entering the referenced sections of the facility; 4) institute a system to ensure chemicals not being used are timely and appropriately disposed; and 5) submit a status report to EPA detailing UMDNJ's progress including implementation and completion dates. Within twenty-four months of the effective date of this CA/FO, UMDNJ shall submit a draft final report to

EPA for comment and approval. The report shall at a minimum summarize: 1) the chemical inventory tracking system implemented; 2) chemicals identified for substitution and their substitutes; 3) the system developed to ensure the timely and appropriate management of chemicals; 4) total cost of this component including costs saved; and 5) the amount of pollution already reduced and projected to be reduced.

6. The RCRA compliance audit shall be initiated immediately at UMDNJ's Newark campus. The audit shall be conducted by an external third party. The audit shall evaluate and assess UMDNJ's compliance with RCRA at the Newark campus. Any discovered violations of RCRA, its implementing regulations and/or the authorized state program shall be immediately remedied. Within twelve months from the effective date of this CA/FO, the auditors shall have: 1) completed at least a preliminary review of all areas in the campuses to determine UMDNJ's compliance with hazardous waste rules; 2) reviewed UMDNJ's internal policies and procedures for managing hazardous waste; 3) developed a mechanism for fully assessing UMDNJ's present and long term compliance with RCRA, its implementing regulations and/or the authorized state program; and 4) submitted a status report to EPA detailing the audit's progress including any violations discovered to date, when and how they were remedied or why they have not been remedied. Within twenty-four months of the effective date of this CA/FO, UMDNJ shall submit a draft final report to EPA for comment and approval. The report shall at a minimum summarize: 1) the extent and scope of the audit; 2) any violations found and whether or how the violation has been remedied; 3) any new procedures implemented as a result of the audit; 4) any changes to existing policies or practices as a result of the audit;

- 5) total cost of this component including costs saved; and 6) the amount of pollution already reduced and projected to be reduced by virtue of conducting the audit.
7. The draft final report shall further include a SEP Analysis Summary. This section shall include: a description of the SEP and each of its components; a discussion setting forth UMDNJ's initiation and implementation of the SEP, the successes and/or difficulties in implementing the SEP, the net cost of implementation, and the annual net reduction in the amount of chemicals purchased and waste generated due to SEP implementation. Net figures should be to date as well as projected over a five year period. See ¶ 13 below.
8. The draft final report shall be submitted to EPA for approval and comment. UMDNJ shall modify the draft final report to address EPA's comments and resubmit the report in final ("Final Report"). The Final Report shall also include any updated projections and findings.
9. The draft and Final Report shall include the following certification:
- I certify that the information contained in or accompanying this document is true, accurate, and complete to the best of my knowledge and belief. I am aware that there are significant potential penalties for submitting false information.
- The certification shall be signed by a person knowledgeable about the information being provided in the report and who is authorized by UMDNJ to make such certification.
10. All reports shall be submitted to EPA (to the attention of Meghan LaReau) at the address set forth in Paragraph 23.
11. Once approved by EPA, the Final Report (or any portion thereof) shall be a public record available to all interested parties. Upon EPA's request, UMDNJ shall make the Final



Report available electronically to EPA. Dissemination of the Final Report shall be in accordance with Paragraph 18 below.

12. The Director of the Division of Enforcement and Compliance Assistance ("DECA") may, in her sole discretion, grant an extension of the date(s) of the implementation of the SEP set forth above or of such other dates as are established in this CA/FO, if EPA determines an extension is appropriate or UMDNJ has first demonstrated in writing good cause for such extension. If UMDNJ submits a request for extension, such request shall be accompanied by supporting documentation and be submitted to EPA (to the attention of Meghan LaReau at the address set forth in Paragraph 23) no later than fifteen (15) days prior to any requirement scheduled in this CA/FO.
13.
  - a. UMDNJ will spend a net cost (gross expenses reduced by the amount of savings due to project implementation over a five year period) of at least one hundred and fifty thousand dollars (\$150,000.00) to implement the components of the SEP. This amount includes:
    - i) chemical tracking system and solvent recovery equipment; and ii) external services or hires to conduct: chemical inventories, the solvent recovery, mercury and silver source reduction, and RCRA compliance audit at the Newark UMDNJ campus. No SEP credit has or shall be given for a component where the expenditures are less than the savings achieved in the first five years. See Attachment 1.
  - b. Upon request by EPA following, or prior to, the end of the five year period, Respondent shall submit to EPA an Expenditure Report confirming the net cost of the SEP to date, providing EPA with any further documentation requested by EPA. The Expenditure Report shall i) reiterate the costs projected in Attachment 1 of this CA/FO;

- ii) reiterate the costs and savings projected in the SEP Analysis Summary set forth in Respondent's Final Report; and iii) detail the actual net cost of the SEP to date. The Expenditure Report shall include the certification language set forth in paragraph 9 of this CA/FO. Based on its Expenditure Report, Respondent shall pay any stipulated penalties that may due under the paragraph 16 of this CA/FO.
14. UMDNJ shall maintain in one central location legible copies of documentation supporting any and all documents or reports submitted to EPA pursuant to this CA/FO. This shall include, at a minimum, the SEP cost documentation, draft and final reports and all underlying documentation. UMDNJ shall grant EPA and its authorized representatives access to such documentation and shall provide copies of such documentation to EPA within ten (10) days of UMDNJ's receipt of a request by EPA for any or all of such information, or by such other time as approved by EPA, in writing. UMDNJ shall also provide EPA and its authorized representatives access to its facility to observe and inspect its SEP implementation.
15. The determination of whether the SEP has been satisfactorily completed, whether the UMDNJ has made a good faith, timely effort to finance and/or implement the SEP, whether the UMDNJ has complied with all the terms of the CA/FO and whether costs are approvable and creditable to the SEP shall be in the sole discretion of EPA. Should EPA have any concerns about the satisfactory implementation and completion of the SEP, EPA will communicate those concerns to UMDNJ and provide it with an opportunity to respond. If EPA makes a determination that the SEP has been satisfactorily completed, it will provide UMDNJ with written confirmation of the determination.

16. UMDNJ shall be liable to EPA for stipulated penalties pursuant to the provisions of this paragraph. Stipulated penalties shall commence on the first day of noncompliance and continue through the final date of completion of the activity for which compliance is achieved and/or as otherwise specified below. Simultaneous penalties shall accrue for separate violations of the Consent Agreement. UMDNJ agrees that it shall be liable for stipulated penalties as follows:
- a. If the net cost of the SEP implementation is less than ninety percent of the net cost set forth in Paragraph 13 above, UMDNJ shall pay as a stipulated penalty twice the differential between the net cost in paragraph 13 and the actual net cost incurred as approved by EPA. Payment shall be made: 1) with the submission of UMDNJ's Final Report noting the cost differential; 2) with the submission of UMDNJ's Expenditure Report noting the cost differential; 3) upon UMDNJ's realization of the cost differential; and/or 4) one month after notification by EPA that a cost differential exists, whichever is first;
  - b. If UMDNJ spends ninety percent of the required SEP expenditures but fails to timely implement or complete each requirement in each of four components of the SEP as detailed in Paragraphs 2-8 above, then UMDNJ shall pay a stipulated penalty of seven hundred and fifty dollars (\$750) for each such failure. Multiple stipulated penalties of \$750 shall be due if more than one requirement is not implemented or completed timely.
  - c. UMDNJ shall pay a stipulated penalty of five hundred dollars (\$500) for failure to timely submit a status report, draft final report or Final Report incorporating EPA's comments.

d. UMDNJ shall pay any stipulated penalty due pursuant to terms of this Consent Agreement.

e. Unless UMDNJ provides EPA with a writing pursuant to Paragraph 16.f. below, all stipulated penalties are due and payable within thirty (30) calendar days of the UMDNJ's receipt from EPA of a written demand for payment of the penalties. UMDNJ agrees that such demand may be mailed to Paul G. McMahon, Jr, Vice President of Operations, University of Medicine and Dentistry of New Jersey, 65 Bergen Street, Newark, New Jersey 07101. All stipulated penalty payments shall be made in accordance with the payment instructions in Paragraph 23 of this Consent Agreement and shall include a statement noting that the monies are being paid in accordance with this stipulated penalty paragraph. Penalties shall accrue as provided above regardless of whether EPA has notified the UMDNJ of the violation or made a demand for payment but, with the exception of Paragraph 16a above, need only be paid upon demand.

f. After receipt of a demand from EPA for stipulated penalties pursuant to the preceding paragraph, UMDNJ shall have twenty (20) calendar days in which to provide Complainant with an explanation of why it believes that a stipulated penalty is not appropriate for the cited violation(s) of this CA/FO (including any technical or other information that UMDNJ deems relevant).

g. The Director of DECA may, in her sole discretion, reduce or eliminate any stipulated penalty due if UMDNJ has in writing demonstrated to EPA's satisfaction good cause for such action by EPA. If, after review of UMDNJ's submission pursuant to the preceding paragraph, Complainant determines that UMDNJ has failed to comply with the provisions

of this Consent Agreement, and Complainant does not, in his or her sole discretion, eliminate the stipulated penalties demanded by EPA, Complainant will notify UMDNJ, in writing, that either the full stipulated penalty or a reduced stipulated penalty must be paid by UMDNJ. UMDNJ shall pay the stipulated penalty amount indicated in EPA's notice within twenty (20) calendar days of its receipt of such written notice from EPA.

h. Failure of UMDNJ to pay any stipulated penalty demanded by EPA pursuant to this Consent Agreement may result in referral of this matter to the United States Department of Justice or the Department of the Treasury for collection.

17. UMDNJ shall not use any federal monies in financing or implementing the SEP.
18. Any dissemination of UMDNJ's Final Report(s) or any public statement by or on behalf of UMDNJ regarding the above SEP shall include language clearly indicating that the SEP was undertaken as part of the settlement of an EPA enforcement action.
19. The SEP to be completed by UMDNJ has been accepted by Complainant solely for purposes of settlement of this civil administrative proceeding.
20. UMDNJ certifies, as of the date of UMDNJ's signing of this Consent Agreement, that UMDNJ is not otherwise required, by virtue of any local, state, or federal statute, regulation, order, consent decree or other law or requirement, to perform the tasks specified in these SEP related provisions. UMDNJ further certifies that UMDNJ has not already received, and is not currently negotiating to receive, credit in any other enforcement action for any of these same tasks and had not planned prior to September 2003 to perform any of the work that is part of the SEP set forth in Paragraphs 2- 8 above.
21. If in the future EPA believes that any of the information certified to, pursuant to

Paragraph 20, is inaccurate, EPA will advise UMDNJ of its belief and its basis for such, and will afford UMDNJ an opportunity to respond to EPA. If EPA then determines, in writing, that the certification is inaccurate with respect to the SEP, UMDNJ shall pay a stipulated penalty in the amount of ten thousand dollars (\$10,000) within sixty (60) days of its receipt of EPA's determination, using the same procedures specified in Paragraph 23 below and shall include a statement noting the payment is a stipulated penalty pursuant to this provision. The Director of DECA may, in her sole discretion, reduce or eliminate this stipulated penalty if UMDNJ has in writing demonstrated to EPA's satisfaction good cause for such action by EPA. This payment shall not preclude EPA from initiating a separate criminal investigation pursuant to 18 U.S.C. § 1001 et seq., or any other applicable law.

22. For the purpose of this proceeding, UMDNJ admits the jurisdictional allegations of the Complaint as applied to its facility and neither admits nor denies specific factual allegations contained in the Complaint or CA/FO.
23. UMDNJ shall pay, by cashier's or certified check, a civil penalty in the amount of **thirty five thousand dollars (\$35,000)**. The check shall be payable to the "Treasurer, United States of America." The case name and the docket number for this matter shall be referenced on the face of the check.

**Such check shall be mailed to:**

**EPA Region 2 (Regional Hearing Clerk)  
P.O. Box 360188M  
Pittsburgh, Pennsylvania 15251**

UMDNJ shall also send a copy of the payment instrument to each of the following:

Meghan LaReau-Environmental Scientist  
RCRA Compliance Branch  
DECA  
U.S. Environmental Protection Agency-Region 2  
290 Broadway  
New York, New York 10007-1866

Amy Chester  
Assistant Regional Counsel  
U.S. Environmental Protection Agency-Region 2  
290 Broadway  
New York, New York 10007-1866

and

Regional Hearing Clerk  
U.S. Environmental Protection Agency- Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, New York 10007-1866

Payment must be **received** at the above address on or before 45 calendar days after the date of signature of the CA/FO at the end of this document (the date by which payment must be received shall hereinafter be referred to as the "due date").

- a. Failure to pay the civil penalty in full by the due date will result in referral of this matter to the United States Department of Justice or the United States Department of the Treasury for collection.
- b. Further, if the payment is not received on or before the due date, interest will be assessed at the annual rate established by the Secretary of the Treasury pursuant to the Debt Collection Act, 31 U.S.C. § 3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of fifteen dollars (\$15.00) will be assessed for each thirty day period (or any portion thereof) following the due date in which the balance remains unpaid. A six

percent (6%) per annum penalty will also be applied on any principal amount not paid within ninety (90) days of the due date.

c. Payment of the penalty amount and compliance with the tasks and terms of this CA/FO are in full settlement of all civil liabilities that might have attached as a result of the allegations in the civil administrative complaint brought against UMDNJ in this case, **Docket No. RCRA-02-2003-7109**.

d. The civil penalties and stipulated penalties provided for herein are penalties within the meaning of Title 26, Section 162(f) of the United States Code, 26 U.S.C. § 162(f), and are not deductible expenditures for purposes of federal, state or local law.

24. This Consent Agreement is being voluntarily and knowingly entered into by the parties in full and final settlement of the civil liabilities that might have attached as a result of the allegations contained in the Complaint. UMDNJ has read the Consent Agreement, understands its terms, finds it to be reasonable and consents to its issuance and its terms. UMDNJ consents to the issuance of the accompanying CA/FO. UMDNJ agrees that all settlement terms are set forth herein. UMDNJ explicitly and knowingly consents to the assessment of the civil penalty and any stipulated penalty that comes due as set forth in this Consent Agreement and agrees to pay the penalty in accordance with the terms of this Consent Agreement. UMDNJ explicitly waives its rights to request or to seek a hearing on the Complaint or on any of the allegations therein asserted, on this Consent Agreement, or on the Findings of Fact and Conclusions of Law herein, or on the accompanying Final Order.



25. UMDNJ waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator or the Deputy Regional Administrator where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement and issue the attached Final Order.
26. This CA/FO does not waive, extinguish, or otherwise affect UMDNJ's obligation to comply with all applicable provisions of the Act and the regulations implementing it, nor shall it be construed as the issuance of a permit or a ruling on, or determination of, any issues related to any federal, state or local law, regulation or permit.
27. Nothing in this CA/FO shall be deemed to limit EPA's authority to perform inspections or initiate appropriate actions pursuant to any of its statutory or regulatory authorities.
28. Each party shall bear its own costs and fees in this matter.
29. The representative of UMDNJ signing this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all the terms and conditions set forth in this Consent Agreement. The provisions of this Consent Agreement shall be binding upon UMDNJ, its officials including faculty, staff, authorized representatives and successors or assigns.
30. UMDNJ consents to service upon UMDNJ of a copy of this CA/FO by an EPA

employee other than the Regional Hearing Clerk.

RESPONDENT:

University of Medicine and Dentistry of  
New Jersey

BY: Denise Mulkern

NAME: Denise Mulkern

TITLE: Sr. Vice President for Administration &  
Finance

DATE: March 30, 2005

COMPLAINANT:

United States Environmental Protection  
Agency - Region 2

BY: Dore LaPosta

TITLE: Director  
Division of Enforcement &  
Compliance Assistance

DATE: March 31, 2005

**FINAL ORDER**

The Acting Regional Administrator of the U.S. Environmental Protection Agency, Region 2, ratifies the foregoing Consent Agreement. The Agreement entered into by the parties is hereby approved, incorporated herein, and issued as an Order pursuant to Section 3008 of the Act and 40 C.F.R. § 22.18(b)(3). The effective date of this Order shall be the date of filing with the Regional Hearing Clerk, U.S. EPA, Region 2, New York, New York.

Kathleen C. Callahan  
Kathleen C. Callahan  
Acting Regional Administrator  
EPA-Region 2

DATE: 3/31/05

## **Attachment 1**

### **Projected Costs Approved in Concept for the UMDNJ SEP**

Based on UMDNJ submissions detailing anticipated costs to implement the proposed SEP at its Newark campus, EPA, Region 2 has determined the following expenditures (if documented) may be creditable toward the required SEP at UMDNJ's Newark campus.

#### **Salary:**

Environmental Analyst (to aid the implementation of the solvent recovery and mercury and silver source reduction components of SEP):	\$ 20,000
--	-----------

#### **External Hires/Services:**

To perform the chemical inventory:	\$ 99,000
To perform the RCRA audit:	\$ 20,000

#### **Equipment**

For Chemical Tracking System:	\$20,000
Distillation Unit for Solvent Recovery:	\$21,000

In the matter of University of Medicine and Dentistry of New Jersey  
Docket No. RCRA-02-2003-7109

**CERTIFICATE OF SERVICE**

I certify that I have this day caused to be sent the foregoing fully executed Consent Agreement and Final Order ("CA/FO"), bearing the above-referenced docket number, in the following manner to the addressees listed below:

Original and Copy  
By Hand Delivery:

Office of Regional Hearing Clerk  
U.S. Environmental Protection  
Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, N.Y. 10007-1866

Copy by Certified Mail  
Return Receipt Requested:

Rhonda Farber, Esq.  
State of New Jersey  
Office of Attorney General  
Department of Law and Public Safety  
Division of Law  
PO Box 45029  
Newark, New Jersey 07101

Dated: APR - 5 2005

Smildred Baez

U.S. ENVIRONMENTAL PROTECTION AGENCY  
NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

INSTALLATION'S EPA I.D. NO.

I. NAME OF INSTALLATION

II. INSTALLATION MAILING ADDRESS

III. LOCATION OF INSTALLATION

PLEASE PLACE LABEL IN THIS SPACE

NOT

N3D020745458

**INSTRUCTIONS:** If you received a preprinted label, affix it in the space at left. If any of the information on the label is incorrect, draw a line through it and supply the correct information in the appropriate section below. If the label is complete and correct, leave Items I, II, and III below blank. If you did not receive a preprinted label, complete all items. "Installation" means a single site where hazardous waste is generated, treated, stored and/or disposed of, or a transporter's principal place of business. Please refer to the INSTRUCTIONS FOR FILING NOTIFICATION before completing this form. The information requested herein is required by law (Section 3010 of the Resource Conservation and Recovery Act).

## FOR OFFICIAL USE ONLY

## COMMENTS

INSTALLATION'S EPA I.D. NUMBER

APPROVED

DATE RECEIVED  
(yr., mo., & day)

FNSD047700711Z1

800818

I. NAME OF INSTALLATION

COLLEGE OF MEDICINE &amp; DENTISTRY N.J.

II. INSTALLATION MAILING ADDRESS

STREET OR P.O. BOX

3 100 BERGEN STREET

CITY OR TOWN

4 NEWARK

ST.

ZIP CODE

NJ 07103

III. LOCATION OF INSTALLATION

STREET OR ROUTE NUMBER

5 SAME ABOVE 100 BERGEN ST

CITY OR TOWN

6 SAME ABOVE NEWARK

ST.

ZIP CODE

NJ 07103

IV. INSTALLATION CONTACT

NAME AND TITLE (last, first, &amp; job title)

2 ZEBORA M. SAFETY INSPECTOR

PHONE NO. (area code &amp; no.)

201-456-6572

V. OWNERSHIP

A. NAME OF INSTALLATION'S LEGAL OWNER

8 STATE OF NEW JERSEY

B. TYPE OF OWNERSHIP  
(enter the appropriate letter into box)F = FEDERAL  
M = NON-FEDERAL

M

VI. TYPE OF HAZARDOUS WASTE ACTIVITY (enter "X" in the appropriate box(es))

☒ A. GENERATION☐ B. TRANSPORTATION (complete item VII)☐ C. TREAT/STORE/DISPOSE☐ D. UNDERGROUND INJECTION

VII. MODE OF TRANSPORTATION (transporters only - enter "X" in the appropriate box(es))

☐ A. AIR☐ B. RAIL☐ C. HIGHWAY☐ D. WATER☐ E. OTHER (specify):

VIII. FIRST OR SUBSEQUENT NOTIFICATION

Mark "X" in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your Installation's EPA I.D. Number in the space provided below.

☒ A. FIRST NOTIFICATION☐ B. SUBSEQUENT NOTIFICATION (complete item C)

C. INSTALLATION'S EPA I.D. NO.

IX. DESCRIPTION OF HAZARDOUS WASTES

Please go to the reverse of this form and provide the requested information.

I.D. - FOR OFFICIAL USE ONLY														
5	W	N	J	D	0	4	7	7	0	0	7	1	1	2
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

# IX. DESCRIPTION OF HAZARDOUS WASTES (continued from front)

**A. HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES.** Enter the four-digit number from 40 CFR Part 261.31 for each listed hazardous waste from non-specific sources your installation handles. Use additional sheets if necessary.

1 F 0 0 1 23 - 26	2 F 0 0 2 23 - 26	3 F 0 0 3 23 - 26	4 F 0 0 4 23 - 26	5 F 0 0 5 23 - 26	6  23 - 26
7  23 - 26	8  23 - 26	9  23 - 26	10  23 - 26	11  23 - 26	12  23 - 26

**B. HAZARDOUS WASTES FROM SPECIFIC SOURCES.** Enter the four-digit number from 40 CFR Part 261.32 for each listed hazardous waste from specific industrial sources your installation handles. Use additional sheets if necessary.

13  23 - 26	14  23 - 26	15  23 - 26	16  23 - 26	17  23 - 26	18  23 - 26
19  23 - 26	20  23 - 26	21  23 - 26	22  23 - 26	23  23 - 26	24  23 - 26
25  23 - 26	26  23 - 26	27  23 - 26	28  23 - 26	29  23 - 26	30  23 - 26

**C. COMMERCIAL CHEMICAL PRODUCT HAZARDOUS WASTES.** Enter the four-digit number from 40 CFR Part 261.33 for each chemical substance your installation handles which may be a hazardous waste. Use additional sheets if necessary.

31 P 0 0 5 23 - 26	32 P 0 7 6 23 - 26	33 U 0 0 2 23 - 26	34 U 0 1 9 23 - 26	35 U 0 3 1 23 - 26	36 U 0 4 4 23 - 26
37 U 1 0 8 23 - 26	38 U 1 1 7 23 - 26	39 U 1 2 2 23 - 26	40 U 1 2 3 23 - 26	41 U 1 5 4 23 - 26	42 U 1 6 9 23 - 26
43 U 1 8 8 23 - 26	44 U 1 9 6 23 - 26	45 U 2 1 9 23 - 26	46 U 2 2 0 23 - 26	47 U 2 3 9 23 - 26	48  23 - 26

**D. LISTED INFECTIOUS WASTES.** Enter the four-digit number from 40 CFR Part 261.34 for each listed hazardous waste from hospitals, veterinary hospitals, medical and research laboratories your installation handles. Use additional sheets if necessary.

49  23 - 26	50  23 - 26	51  23 - 26	52  23 - 26	53  23 - 26	54  23 - 26
-------------------	-------------------	-------------------	-------------------	-------------------	-------------------

**E. CHARACTERISTICS OF NON-LISTED HAZARDOUS WASTES.** Mark "X" in the boxes corresponding to the characteristics of non-listed hazardous wastes your installation handles. (See 40 CFR Parts 261.21 - 261.24.)

<input type="checkbox"/> 1. IGNITABLE (D001)	<input checked="" type="checkbox"/> 2. CORROSIVE (D002)	<input type="checkbox"/> 3. REACTIVE (D003)	<input type="checkbox"/> 4. TOXIC (D000)
--	---	---	--

## X. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

SIGNATURE <i>Frank S. Richardson</i>	NAME & OFFICIAL TITLE (type or print) F. S. Richardson Supervising Mechanical/Safety Engineer	DATE SIGNED 9-5-80
---	---	-----------------------

EPA Form 8700-12 (6-80) REVERSE

Small quantity generator of above listed wastes. We have closed system line neutralization tank for laboratory wastes, however, by definition 261.22 most of these wastes are not corrosive.

*af*



**ACKNOWLEDGEMENT OF NOTIFICATION  
OF HAZARDOUS WASTE ACTIVITY  
(VERIFICATION)**

This is to acknowledge that you have filed a Notification of Hazardous Waste Activity for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

EPA I.D. NUMBER

000007100711

INSTALLATION ADDRESS

COLLEGE OF MEDICINE & DENTISTRY N.J.  
100 BERGEN STREET  
NEWARK NJ 07103

100 BERGEN ST  
NEWARK

NJ 07103

# FOIA Report of Non-Sensitive Compliance Monitoring and Enforcement Data

Report run on: January 30, 2014 - 4:20 PM

Version 5.0

## User Selection Criteria

<b>Location:</b>	New Jersey, all activities	<b>Activity Location:</b>	None Chosen
<b>Handler ID:</b>	NJD047700711	<b>Group of IDs:</b>	None Chosen
<b>Handler Name:</b>			
<b>Handler Universe:</b>	All Facilities Regardless of Universe		
<b>Determined Date Range:</b>	From: 10/01/1980 To: 01/30/2014		
<b>Location County Code:</b>	None Chosen	<b>Evaluation Type:</b>	
<b>Location City:</b>		<b>Focus Area:</b>	
<b>Location Zip Code:</b>		<b>Violation Type:</b>	
<b>State District:</b>	None Chosen	<b>Display Code Descrip.:</b>	Yes
<b>Sort Order:</b>	Region, State, Handler Name	<b>Display Universes:</b>	Yes

## Results

Data meeting the criteria you selected follows.

Total Pages:9      Total Handlers:1

## Report Description

This report presents available information from the Resource Conservation and Recovery Act Information System (RCRAInfo) about compliance evaluations, violations, and enforcement actions meeting the criteria supplied by the user. Evaluations showing no violations does not always indicate that no violations were determined. Violation without enforcement actions does not always mean no enforcement action will be issued. In order to avoid releasing enforcement sensitive information to the public the following information is not shown on the report: pending civil / judicial referrals, criminal actions and referrals, and State to EPA referrals; all other enforcement actions are released.

## Report Information

<b>Name:</b>	cme_foia.rdf
<b>Developed by:</b>	EPA Headquarters, Office of Enforcement and Compliance Assurance
<b>Deployed:</b>	June 2006
<b>Last Updated:</b>	May 2012
<b>Contact:</b>	rcrainfo.help@epa.gov
<b>Tables Used:</b>	cmecomp3, cctation3, hreport_univ5, lu_citation, lu_state, hid_groups
<b>Libraries:</b>	none



# FOIA Report of Non-Sensitive Compliance Monitoring and Enforcement Data

Report run on: January 30, 2014 - 4:20 PM

## RUTGERS HEALTH SCIENCES CAMPUS AT NEWARK

County Name / Code: ESSEX / NJ013

NJD047700711

Location: 185 SOUTH ORANGE AVE, NEWARK, NJ 07101  
Mailing: 27 RD 1, PISCATAWAY, NJ 08854-0000

REGION 02

Activity Location:	NJ	State District:	NORTHERN	Accessibility:	Non-Notifier:	Extract Flag:	Y	Active Site:	N
Generator:	N	Transporter:	N	Operating TSDF:	IC In Place:				
Short-Term Gen:	N	Transfer Facility:	N	Offsite Receiver:	HSM:				
Full Enforcement:	-----	Converter:	-----	State Unaddressed SNC:	N				
CA Wrkld:	N	State TSDF:	-----	State Addressed SNC:	N				
Active State Gen:	N			State SNC w/Comp Sched:	N				
				EPA Unaddressed SNC:	N				
				EPA Addressed SNC:	N				
				EPA SNC w/Comp Sched:	N				

### Violation: Activity Location: NJ Type: 262 C

Scheduled Compliance Date: 05/30/2010

Determined Date: 04/28/2010

Determined by Agency: State

Responsible Agency: State

Citation Information: Seq # Type

Actual Compliance Date: 05/03/2010

RTC Qualifier: OBSERVED

Sequence Number: 6

CEI Evaluation 04/28/2010 Activity Location: NJ

By: State

Identifier: 001

Person: COMES

Branch: N

Found Violation: YES

Enforcement: Activity Location: NJ

Type: 310

Agency: State

Action Date: 12/21/2010

Responsible Person: COMES

Branch: N

Focus Area:

Penalty Information: Proposed:

Final Monetary: \$9,000

Collected:

Appeal Initiated:

Responsible Person: COMES

Total Final: \$9,000

Enforcement: Activity Location: NJ

Type: 210

Agency: State

Action Date: 06/23/2010

Responsible Person: COMES

Branch: N

Focus Area:

Penalty Information: Proposed: \$9,000

Final Monetary:

Collected:

Appeal Initiated:

Responsible Person: COMES

Total Final:

Enforcement: Activity Location: NJ

Type: 120

Agency: State

Action Date: 05/11/2010

Responsible Person: COMES

Branch: N

Focus Area:

Enforcement: Activity Location: NJ

Type: 120

Agency: State

Action Date: 05/11/2010

Responsible Person: COMES

Branch: N

Focus Area:

### Violation: Activity Location: NJ Type: 273.B

Scheduled Compliance Date: 05/30/2010

Determined Date: 04/28/2010

Determined by Agency: State

Responsible Agency: State

Citation Information: Seq # Type

Actual Compliance Date: 05/03/2010

RTC Qualifier: OBSERVED

Sequence Number: 7

CEI Evaluation 04/28/2010 Activity Location: NJ

By: State

Identifier: 001

Person: COMES

Branch: N

Found Violation: YES

Enforcement: Activity Location: NJ

Type: 310

Agency: State

Action Date: 12/21/2010

Responsible Person: COMES

Branch: N

Focus Area:

Penalty Information: Penalty Information Printed Above

Type: 310

Agency: State

Action Date: 12/21/2010

Responsible Person: COMES

Branch: N

Focus Area:

CA Component: N Disposition Status:

Appeal Initiated:

Appeal Resolved:

\* Note: Penalty amount may not reflect all violations cited.

# FOIA Report of Non-Sensitive Compliance Monitoring and Enforcement Data

Report run on: January 30, 2014 - 4:20 PM

## RUTGERS HEALTH SCIENCES CAMPUS AT NEWARK, NJD047700711, NEWARK, NJ, continued -

<b>Enforcement:</b>	Activity Location: NJ	Type: 210	Action Date: 06/23/2010	Identifier: 001
<b>Docket:</b>		Agency: State	Responsible Person: COMES	Branch: N
<b>Penalty Information:</b>	Disposition Printed Above			
<b>CA Component:</b>	N			
<b>Enforcement:</b>	Activity Location: NJ	Type: 120	Action Date: 05/11/2010	Identifier: 001
<b>Docket:</b>		Agency: State	Responsible Person: COMES	Branch: N
<b>CA Component:</b>	N			
<b>Disposition Status:</b>				
<b>Appeal Initiated:</b>				
<b>Appeal Resolved:</b>				

  

<b>Violation:</b>	Activity Location: NJ	Type: 262.A	Determined Date: 04/15/2009	Determined by Agency: State	Responsible Agency: State
<b>Scheduled Compliance Date:</b>	05/29/2009		<b>Actual Compliance Date:</b>	04/30/2009	
<b>Citation Information:</b>	Seq #	Type	Citation		
	0	FEDERAL REGULATION	262.12(c)		
<b>CEI Evaluation</b>	04/15/2009	Activity Location: NJ	By: State	Identifier: 001	Person: COMES
<b>Citizen Complaint:</b>	NO	Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Day Zero: 04/15/2009
<b>Enforcement:</b>	Activity Location: NJ	Type: 310	Action Date: 09/08/2009	Identifier: 001	Branch: N
<b>Docket:</b>		Agency: State	Responsible Person: COMES		
<b>Penalty Information:</b>	Proposed:	Final Monetary: \$2,375	Collected:	Total Final: \$2,375	
<b>CA Component:</b>	N				
<b>Disposition Status:</b>					
<b>Appeal Initiated:</b>					
<b>Appeal Resolved:</b>					

  

<b>Enforcement:</b>	Activity Location: NJ	Type: 210	Action Date: 08/13/2009	Identifier: 001
<b>Docket:</b>		Agency: State	Responsible Person: COMES	Branch: N
<b>CA Component:</b>	N			
<b>Disposition Status:</b>				
<b>Appeal Initiated:</b>				
<b>Appeal Resolved:</b>				

  

<b>Violation:</b>	Activity Location: NJ	Type: 262.C	Determined Date: 04/15/2009	Determined by Agency: State	Responsible Agency: State
<b>Scheduled Compliance Date:</b>	05/29/2009		<b>Actual Compliance Date:</b>	04/30/2009	
<b>Citation Information:</b>	Seq #	Type	Citation		
	0	FEDERAL REGULATION	262.34(a)(3)		
<b>CEI Evaluation</b>	04/15/2009	Activity Location: NJ	By: State	Identifier: 001	Person: COMES
<b>Citizen Complaint:</b>	NO	Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Day Zero: 04/15/2009
<b>Enforcement:</b>	Activity Location: NJ	Type: 310	Action Date: 09/08/2009	Identifier: 001	Branch: N
<b>Docket:</b>		Agency: State	Responsible Person: COMES		
<b>Penalty Information:</b>	Proposed:	Final Monetary: \$2,375	Collected:	Total Final: \$2,375	
<b>CA Component:</b>	N				
<b>Disposition Status:</b>					
<b>Appeal Initiated:</b>					
<b>Appeal Resolved:</b>					

  

<b>Violation:</b>	Activity Location: NJ	Type: 262.C	Determined Date: 04/15/2009	Determined by Agency: State	Responsible Agency: State
<b>Scheduled Compliance Date:</b>	05/29/2009		<b>Actual Compliance Date:</b>	04/30/2009	
<b>Citation Information:</b>	Seq #	Type	Citation		
	0	FEDERAL REGULATION	262.34(a)(3)		
<b>CEI Evaluation</b>	04/15/2009	Activity Location: NJ	By: State	Identifier: 001	Person: COMES
<b>Citizen Complaint:</b>	NO	Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Day Zero: 04/15/2009
<b>Enforcement:</b>	Activity Location: NJ	Type: 310	Action Date: 09/08/2009	Identifier: 001	Branch: N
<b>Docket:</b>		Agency: State	Responsible Person: COMES		
<b>Penalty Information:</b>	Proposed:	Final Monetary: \$2,375	Collected:	Total Final: \$2,375	
<b>CA Component:</b>	N				
<b>Disposition Status:</b>					
<b>Appeal Initiated:</b>					
<b>Appeal Resolved:</b>					

\* Note: Penalty amount may not reflect all violations cited.

# FOIA Report of Non-Sensitive Compliance Monitoring and Enforcement Data

Report run on: January 30, 2014 - 4:20 PM

## RUTGERS HEALTH SCIENCES CAMPUS AT NEWARK, NJD047700711, NEWARK, NJ, continued -

**Enforcement:** Activity Location: NJ Type: 210 Action Date: 08/13/2009 Responsible Person: COMES Identifier: 001 Branch: N  
Docket: Agency: State  
**Penalty Information:** Penalty Information Printed Above  
CA Component: Y Disposition Status: Type: 120 Appeal Initiated: Action Date: 04/29/2009 Responsible Person: COMES Identifier: 001 Branch: N  
**Enforcement:** Activity Location: NJ Agency: State  
Docket: Agency: State  
CA Component: N Disposition Status: Appeal Initiated: Responsible Person: COMES Identifier: 001 Branch: N  
Appeal Resolved:

**Violation:** Activity Location: NJ Type: 262 B Determined Date: 04/15/2009 Determined by Agency: State Responsible Agency: State  
Scheduled Compliance Date: 05/29/2009 Actual Compliance Date: 04/30/2009 RTC Qualifier: OBSERVED Sequence Number: 5  
Citation Information: Seq # 0 Type FEDERAL REGULATION Citation 262.20(a)

**CEI Evaluation** 04/15/2009 Activity Location: NJ By: State Identifier: 001 Person: COMES Branch: N  
Citizen Complaint: NO Multimedia Inspection: NO Sampling: NO Not Subtitle C: NO Day Zero: 04/15/2009 Found Violation: YES  
**Enforcement:** Activity Location: NJ Type: 310 Action Date: 09/08/2009 Responsible Person: COMES Identifier: 001 Branch: N  
Docket: Agency: State  
**Penalty Information:** Penalty Information Printed Above  
CA Component: N Disposition Status: Type: 210 Appeal Initiated: Action Date: 08/13/2009 Responsible Person: COMES Identifier: 001 Branch: N  
**Enforcement:** Activity Location: NJ Agency: State  
Docket: Agency: State  
CA Component: Y Disposition Status: Type: 120 Appeal Initiated: Action Date: 04/29/2009 Responsible Person: COMES Identifier: 001 Branch: N  
**Enforcement:** Activity Location: NJ Agency: State  
Docket: Agency: State  
CA Component: N Disposition Status: Appeal Initiated: Responsible Person: COMES Identifier: 001 Branch: N  
Appeal Resolved:

**Violation:** Activity Location: NJ Type: 262 A Determined Date: 03/04/2002 Determined by Agency: EPA Responsible Agency: EPA  
Scheduled Compliance Date: 09/10/2002 Actual Compliance Date: 01/29/2003 RTC Qualifier: DOCUMENTED Sequence Number: 1  
Former Citation - FR - CFR 262

**CEI Evaluation** 03/04/2002 Activity Location: NJ By: EPA Identifier: 001 Person: R2MML Branch: RCB  
Citizen Complaint: NO Multimedia Inspection: NO Sampling: NO Not Subtitle C: NO Day Zero: Found Violation: YES  
**Enforcement:** Activity Location: NJ Type: 310 Action Date: 03/31/2005 Responsible Person: R2MML Identifier: 001 Branch: RCB  
Docket: 02-2003-7109 Agency: EPA  
**Penalty Information:** Penalty Information Printed Above  
CA Component: N Disposition Status: Type: 210 Appeal Initiated: Action Date: 06/26/2003 Responsible Person: R2MML Identifier: 001 Branch: RCB  
**Enforcement:** Activity Location: NJ Agency: EPA  
Docket: 02-2003-7109 Agency: EPA  
CA Component: N Disposition Status: Type: 210 Appeal Initiated: Action Date: 06/26/2003 Responsible Person: R2MML Identifier: 001 Branch: RCB  
**Penalty Information:** Proposed: \$166,658 Final Monetary: \$35,000 Collected: Total Final: \$35,000  
CA Component: N Disposition Status: Appeal Initiated: Total Final: Appeal Resolved:

\* Note: Penalty amount may not reflect all violations cited.

# FOIA Report of Non-Sensitive Compliance Monitoring and Enforcement Data

Report run on: January 30, 2014 - 4:20 PM

## RUTGERS HEALTH SCIENCES CAMPUS AT NEWARK, NJD047700711, NEWARK, NJ, continued -

**Enforcement:** Activity Location: NJ Type: 120  
 Docket: Agency: EPA  
 CA Component: N  
 Enforcement: Activity Location: NJ Disposition Status: Type: 110  
 Docket: Agency: EPA  
 CA Component: N Disposition Status: Agency: EPA  
 Action Date: 06/06/2002  
 Responsible Person: R2MML  
 Appeal Initiated:  
 Action Date: 03/20/2002  
 Responsible Person: R2MML  
 Appeal Initiated:  
 Identifier: 001  
 Branch: RCB  
 Appeal Resolved:  
 Identifier: 001  
 Branch: RCB  
 Found Violation: YES  
 Focus Area:

**Violation:** Activity Location: NJ Type: 262.A  
 Scheduled Compliance Date: 02/23/1995  
 Determined Date: 01/20/1995  
 Actual Compliance Date: 02/27/1995  
 Determined by Agency: State  
 RTC Qualifier: OBSERVED  
 Responsible Agency: State  
 Sequence Number: 1

**CSE Evaluation** 02/27/1995 Activity Location: NJ By: State  
 Citizen Complaint: NO Multimedia Inspection: NO Sampling: NO  
 Identifier: 000 Person: NJMS  
 Not Subtitle C: NO Day Zero:  
 Branch: M  
 Found Violation: YES  
 Focus Area:

**CEI Evaluation** 01/20/1995 Activity Location: NJ By: State  
 Citizen Complaint: NO Multimedia Inspection: NO Sampling: NO  
 Identifier: 000 Person: NJMS  
 Not Subtitle C: NO Day Zero:  
 Branch: M  
 Found Violation: YES  
 Focus Area:

**Enforcement:** Activity Location: NJ Type: 120  
 Docket: Agency: State  
 CA Component: N Disposition Status: Agency: State  
 Action Date: 01/20/1995  
 Responsible Person: NJMS  
 Appeal Initiated:  
 Identifier: 000  
 Branch: M  
 Appeal Resolved:

**Violation:** Activity Location: NJ Type: 262.B  
 Scheduled Compliance Date: 02/23/1995  
 Determined Date: 01/20/1995  
 Actual Compliance Date: 02/27/1995  
 Determined by Agency: State  
 RTC Qualifier: OBSERVED  
 Responsible Agency: State  
 Sequence Number: 2

**CSE Evaluation** 02/27/1995 Activity Location: NJ By: State  
 Citizen Complaint: NO Multimedia Inspection: NO Sampling: NO  
 Identifier: 000 Person: NJMS  
 Not Subtitle C: NO Day Zero:  
 Branch: M  
 Found Violation: YES  
 Focus Area:

**CEI Evaluation** 01/20/1995 Activity Location: NJ By: State  
 Citizen Complaint: NO Multimedia Inspection: NO Sampling: NO  
 Identifier: 000 Person: NJMS  
 Not Subtitle C: NO Day Zero:  
 Branch: M  
 Found Violation: YES  
 Focus Area:

**Enforcement:** Activity Location: NJ Type: 120  
 Docket: Agency: State  
 CA Component: N Disposition Status: Agency: State  
 Action Date: 01/20/1995  
 Responsible Person: NJMS  
 Appeal Initiated:  
 Identifier: 000  
 Branch: M  
 Appeal Resolved:

### Evaluations With No Violations:

**CDI Evaluation** 03/01/2011 Activity Location: NJ By: State  
 Citizen Complaint: NO Multimedia Inspection: NO Sampling: NO  
 Identifier: 001 Person: COMES  
 Not Subtitle C: NO Day Zero: 03/01/2011  
 Branch: N  
 Found Violation: NO  
 Focus Area:

**FUI Evaluation** 05/12/2010 Activity Location: NJ By: State  
 Citizen Complaint: NO Multimedia Inspection: NO Sampling: NO  
 Identifier: 002 Person: COMES  
 Not Subtitle C: NO Day Zero: 04/28/2010  
 Branch: N  
 Found Violation: NO  
 Focus Area:

**SNN Evaluation** 05/12/2010 Activity Location: NJ By: State  
 Citizen Complaint: NO Multimedia Inspection: NO Sampling: NO  
 Identifier: 001 Person: NOSDS  
 Not Subtitle C: NO Day Zero:  
 Branch: N  
 Found Violation: NO  
 Focus Area:

\* Note: Penalty amount may not reflect all violations cited.

# FOIA Report of Non-Sensitive Compliance Monitoring and Enforcement Data

Report run on: January 30, 2014 - 4:20 PM

## RUTGERS HEALTH SCIENCES CAMPUS AT NEWARK, NJD047700711, NEWARK, NJ, continued -

<b>SNY Evaluation</b>	05/11/2010	Activity Location: NJ	By: State	Identifier: 001	Person: COMES	Branch: N	Found Violation: N/A
Citizen Complaint: NO		Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Day Zero:	04/28/2010	Focus Area:
<b>FUI Evaluation</b>	05/03/2010	Activity Location: NJ	By: State	Identifier: 001	Person: COMES	Branch: N	Found Violation: NO
Citizen Complaint: NO		Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Day Zero:	04/28/2010	Focus Area:
<b>FUI Evaluation</b>	05/01/2010	Activity Location: NJ	By: State	Identifier: 002	Person: COMES	Branch: N	Found Violation: NO
Citizen Complaint: NO		Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Day Zero:	04/28/2010	Focus Area:
<b>NRRR Evaluation</b>	04/30/2009	Activity Location: NJ	By: State	Identifier: 002	Person: COMES	Branch: N	Found Violation: NO
Citizen Complaint: NO		Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Day Zero:	04/30/2009	Focus Area:
<b>SNN Evaluation</b>	04/30/2009	Activity Location: NJ	By: State	Identifier: 001	Person: COMES	Branch: N	Found Violation: NO
Citizen Complaint: NO		Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Day Zero:		Focus Area:
<b>SNY Evaluation</b>	04/29/2009	Activity Location: NJ	By: State	Identifier: 001	Person: COMES	Branch: N	Found Violation: N/A
Citizen Complaint: NO		Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Day Zero:	04/15/2009	Focus Area:
<b>SNN Evaluation</b>	06/25/2003	Activity Location: NJ	By: EPA	Identifier: 001	Person: R2MML	Branch: RCB	Found Violation: NO
Citizen Complaint: NO		Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Day Zero:		Focus Area:
<b>SNY Evaluation</b>	01/05/2003	Activity Location: NJ	By: EPA	Identifier: 001	Person: R2MML	Branch: RCB	Found Violation: N/A
Citizen Complaint: NO		Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Day Zero:		Focus Area:
<b>CDI Evaluation</b>	07/26/1995	Activity Location: NJ	By: State	Identifier: 000	Person: NJMS	Branch: M	Found Violation: NO
Citizen Complaint: NO		Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Day Zero:		Focus Area:

Total Number of Handlers: 1

Total Number of Activity Locations: 1

\* End of Report \*

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# FOIA Report of Non-Sensitive Compliance Monitoring and Enforcement Data

Report run on: January 30, 2014 - 4:20 PM

## Description of codes used on the report:

Universes	Description of Universes
Generator	Indicates that the facility is a Large Quantity Generator (LQG), Small Quantity Generator (SQG), Conditionally Exempt Small Quantity Generator (CEG), or not a generator (N).
Transporter	Indicates that the facility Transports waste subject to RCRA regulations. ('Y' indicates that the facility is in this universe).
Operating TSDF	Indicates that the facility is a Treatment, Storage or Disposal facility subject to any type of enforcement. It then specifies the type of facility (L - Land Disposal; I - Incinerator; B - BIF; S - Storage; T - Treatment)
IC in Place	Indicates that the facility has Institutional Controls in place. ('Y' indicates that the facility is in this universe).
EI Indicator (HE / GW)	Indicates that the facility has controls in place for Environmental Indicators. HE - Human Exposures ('+' indicates the exposure exists and is under control; '-' indicates the exposure exists and is not under control; 'N' indicates the exposure does not exist) GW - Groundwater Release ('+' indicates the exposure exists and is under control; '-' indicates the exposure exists and is not under control; 'N' indicates the exposure does not exist)
Short-Term Gen	Indicates that the facility is a short term or one time event generator and not generating from ongoing processes.
Transfer Facility	Indicates that the facility transfers hazardous waste.
Offsite Receiver	Indicates that the facility, whether public or private, currently accepts hazardous waste from another site (site identified by a different EPA ID).
HSM	Indicates that the facility manages hazardous secondary material(s) (e.g. spent material, by-product or sludge) that when discarded, would be identified as hazardous waste.
Subpart K	Indicates that the facility has opted into the subpart K laboratory rule. It then specifies the type of facility (C - College or University; H - Teaching Hospital; N - Non-profit Research Institute; W - withdrawal from the rule)
Full Enforcement	Indicates that the facility is a Treatment, Storage or Disposal facility which is part of the Full Enforcement universe. It then specifies the type of facility (L - Land Disposal; I - Incinerator; B - BIF; S - Storage; T - Treatment)
CA Workload	Indicates that the facility is part of the Corrective Action Workload universe. ('Y' indicates that the facility is in this universe).
Active State Gen Converter	Indicates that the facility is an Active State Generator. ('Y' indicates that the facility is in this universe).
State TSDF	Indicates that the facility is a Converter Treatment, Storage or Disposal facility. It then specifies the type of facility (L - Land Disposal; I - Incinerator; B - BIF; S - Storage; T - Treatment)
State Unaddressed SNC	Indicates that the facility is a State Treatment, Storage or Disposal facility. It then specifies the type of facility (L - Land Disposal; I - Incinerator; B - BIF; S - Storage; T - Treatment)
State Addressed SNC	Indicates that the facility is a State Unaddressed Significant Non-Complier. ('Y' indicates that the facility is in this universe).
State SNC w/ Compl. Sched	Indicates that the facility is a State Addressed Significant Non-Complier. ('Y' indicates that the facility is in this universe).
EPA Unaddressed SNC	Indicates that the facility is a State Significant Non-Complier with a Compliance Schedule. ('Y' indicates that the facility is in this universe).
EPA Addressed SNC	Indicates that the facility is an EPA Unaddressed Significant Non-Complier. ('Y' indicates that the facility is in this universe).
EPA SNC w/ Compl. Sched	Indicates that the facility is an EPA Addressed Significant Non-Complier. ('Y' indicates that the facility is in this universe).

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# FOIA Report of Non-Sensitive Compliance Monitoring and Enforcement Data

Report run on: January 30, 2014 - 4:20 PM

## Description of codes used on the report:

ACCESSIBILITY - indicates the reason why the handler is not accessible for normal RCRA tracking and processing (previously called Bankrupt Indicator):	
Code	Description
B	indicates that the handler has filed for bankruptcy and bankruptcy litigation is in process.
C	indicates that all RCRA responsibilities for permitting/closure, corrective action, and compliance monitoring and enforcement at the facility have been formally transferred to the CERCLA program or state equivalent.
F	indicates that all responsible parties (owners/operators) for the handler have fled the country or are otherwise not available for prosecution.
L	indicates that the handler's case is tied up in litigation to the extent that further progress in achieving RCRA compliance through normal enforcement is not possible.

NON-NOTIFIER - indicates that the handler has been identified through a source other than Notification and is suspected of conducting RCRA-regulated activities without proper authority:	
Code	Description
E	indicates that the handler was initially a non-notifier, subsequently determined to be exempt from requirements to notify.
O	indicates that the handler is a former non-notifier.
X	indicates that the handler is a non-notifier.

Violation Type	Description
262.A	GENERATORS - GENERAL
262.B	GENERATORS - MANIFEST
262.C	GENERATORS - PRE-TRANSPORT
273.B	UNIVERSAL WASTE - SMALL QUANTITY HANDLERS

Evaluation Type	Type Description
CDI	CASE DEVELOPMENT INSPECTION
CEI	COMPLIANCE EVALUATION INSPECTION ON-SITE
CSE	COMPLIANCE SCHEDULE EVALUATION
FUI	FOLLOW-UP INSPECTION
NRR	NON-FINANCIAL RECORD REVIEW
SNN	NOT A SIGNIFICANT NON-COMPLIER
SNY	SIGNIFICANT NON-COMPLIER

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# FOIA Report of Non-Sensitive Compliance Monitoring and Enforcement Data

Report run on: January 30, 2014 - 4:20 PM

## Description of codes used on the report:

Enforcement Type	Enforcement Description
110	VERBAL INFORMAL
120	WRITTEN INFORMAL
210	INITIAL 3008(A) COMPLIANCE
310	FINAL 3008(A) COMPLIANCE ORDER

\* Note: Penalty amount may not reflect all violations cited.